

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

MDL 2804

Case No. 1:17-MD-2804

THIS DOCUMENT RELATES TO:

*County of Harris v. Purdue Pharma L.P. et
al.*
1:18-op-45677

*City of Albuquerque v. Teva
Pharmaceuticals USA, Inc., et al.*
1:20-op-45136

*City of Santa Fe v. Purdue Pharma L.P., et
al.*
1:20-op-45137

) **Judge Dan Aaron Polster**

) **REMAND ORDER**

On March 11, 2022, in light of the Sixth Circuit order issued that same day regarding the motions to remand in the above-captioned cases, the Court ordered, “In any case where Defendants have previously filed an opposition, Defendants shall review their response and file a supplementary joint brief only if they *now* have a good faith basis to believe the Court has subject-matter jurisdiction to hear the case.” Doc. #: 4303 at 1 (emphasis in original). In other words, a defendant who does not file a supplementary brief indicates to the Court that they no longer have a good faith basis to believe the Court has subject-matter jurisdiction. Furthermore, Defendants had until March 25 to file these supplementary filings setting forth their basis for maintaining their opposition to remand. *Id.* Defendants, however, have not complied with the Court’s March 11 order.

In *City of Albuquerque* and *City of Santa Fe, New Mexico*, removing Defendants Endo Health Solutions Inc. and Endo Pharmaceuticals Inc. (collectively, “Endo”) merely “advise[d] the

Court that they [did] not intend to submit any further briefing in support of their previous filings,” and therefore did not submit supplementary filings as the Court required. Doc. #: 4332.

In *County of Harris*, nothing was filed and the removal is effectively moot. That case was removed by the Distributor Defendants.¹ Because Harris County, Texas has since joined the Distributors’ Texas settlement, the Distributor Defendants are no longer in that case.

Accordingly, all three cases are **REMANDED** to their respective state courts in New Mexico and Texas from which they were removed.

IT IS SO ORDERED.

/s/ Dan Aaron Polster March 30, 2022
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

¹ The removing defendants here were the Distributor Defendants, comprising AmerisourceBergen Drug Corporation, McKesson Corporation, McKesson Medical-Surgical Inc., and the Cardinal Health Defendants. 1:18-op-45677 Doc. #: 53 at 2.